

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GORDON FRANKLIN,

Defendant.

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Case No. 6:90-CV-03445-MDH

ORDER

Before the Court is the Government's Motion for Conditional Release. (Doc. 135). Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the government's motion was referred to the United States Magistrate Judge for preliminary review under 28 U.S.C. § 636(b).

The Magistrate Judge conducted a hearing on August 20, 2019, and submitted a report and recommendation to the undersigned. (Doc. 139). Parties have agreed to waive the statutory 14 day waiting period in which to file exceptions. Therefore, the matter is ripe for review. After a review of the record before the Court, the Court agrees with the report and recommendation issued by the United States Magistrate Judge, and in accordance with such:

It is hereby **ORDERED** that the report and recommendation (Doc. 139) of the United States Magistrate Judge is **ADOPTED** and that the government's Motion for Conditional Release (Doc. 135) is **GRANTED**.

It is further **ORDERED** that Defendant be, and is hereby, conditionally released pursuant to Title 18 U.S.C. § 4246(e) under the following conditions as recommended by M.D. Smith, Warden, and Audra McConnell, LCSW, Defendant's social worker (Doc. 135-2):

1. Mr. Franklin shall reside at Meadowbrook, 21228 Meadowview Lane, Howe, Oklahoma 74940, (918) 658-2509. Any change in residence must be pre-approved by U.S. Probation.
2. Mr. Franklin shall actively participate in, and cooperate with, a regimen of mental health care and psychiatric aftercare as directed by the treating mental health provider. This is to include his voluntary admission to an inpatient program for stabilization should it be deemed necessary.
3. Mr. Franklin shall continue to take medication, including injectable units, as shall be prescribed for him by the medical provider.
4. Mr. Franklin shall waive his rights to confidentiality regarding his mental health treatment in order to allow sharing of information with the supervising U.S. Probation Officer and other mental health treatment providers, who will assist in evaluating his ongoing appropriateness for community placement.
5. Mr. Franklin will refrain from the use of alcohol and illegal drugs, as well as the abuse of over-the-counter medications, and submit to random urinalysis testing as warranted by treating mental health staff and/or the probation officer. This also includes participating in substance abuse treatment as deemed necessary by the treatment provider.
6. Mr. Franklin shall not have in his possession, at any time, actual or imitation firearms or other deadly weapons and he may not write, say or communicate threats. He shall submit to a warrantless search on request of his U.S. Probation Officer or any law enforcement officer of his person or property for the purpose of determining compliance with this provision and shall permit confiscation of any such contraband.
7. Mr. Franklin shall not commit a federal, state, or local crime, and will immediately notify his U.S. Probation Officer if he is arrested or questioned by any law enforcement officer. He shall not associate with any person convicted of a felony unless granted permission to do so from his U.S. Probation Officer.
8. Annual reports shall be written by the U.S. Probation Office regarding the status of Mr. Franklin's conditional release. The report should be submitted to the Legal Department at USMCFP Springfield, Missouri, for filing with the Court.

IT IS SO ORDERED.

DATED: August 29, 2019

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE